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8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. OT-2005-66

12 RINEA LYN LUCIA
PO Box 864
13 Yucca Valley, CA 92286
Occupational Therapy License No. OT 6433

A C C U S A T I O N

14 Respondent.
15

16 Complainant alleges:

17 **PARTIES**

18 1. Heather Martin (Complainant) brings this Accusation solely in her official
19 capacity as the Executive Officer of the California Board of Occupational Therapy, Department
20 of Consumer Affairs.

21 2. On or about February 28, 2003, the California Board of Occupational
22 Therapy (Board) issued Occupational Therapy License Number OT 6433 to Rinea Lyn Lucia
23 (Respondent). The Occupational Therapy License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on December 31, 2008, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

1 4. Section 125.3 of the Code provides, in relevant part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation or
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
4 and enforcement of the case.

5 5. Section 480 of the Code states:

6 (a) A board may deny a license regulated by this code on the grounds
7 that the applicant has one of the following:

8 (1) Been convicted of a crime. A conviction within the
9 meaning of this section means a plea or verdict of guilty or a
10 conviction following a plea of nolo contendere. Any action which
11 a board is permitted to take following the establishment of a
12 conviction may be taken when the time for appeal has elapsed, or
13 the judgment of conviction has been affirmed on appeal, or when
14 an order granting probation is made suspending the imposition of
15 sentence, irrespective of a subsequent order under the provisions of
16 Section 1203.4 of the Penal Code.

17 (2) Done any act involving dishonesty, fraud or deceit
18 with the intent to substantially benefit himself or another, or
19 substantially injure another; or
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22 The board may deny a license pursuant to this subdivision only if the
23 crime or act is substantially related to the qualifications, functions or duties of the
24 business or profession for which application is made.

25

26 6. Section 2570.28 states:

27 The board may deny or discipline a licensee for any of the following:

28 (a) Unprofessional conduct, including, but not limited to, the
following:

(c) Violating or attempting to violate, directly or indirectly, or
assisting in or abetting the violation of, or conspiring to violate, any provision or
term of this chapter or any regulation adopted pursuant to this chapter.

(d) Making or giving any false statement or information in connection
with the application for issuance or renewal of a license.

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1 (e) Conviction of a crime or of any offense substantially related to the
2 qualifications, functions, or duties of a licensee, in which event the record of the
3 conviction shall be conclusive evidence thereof.

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5 (g) Impersonating a licensed practitioner, or permitting or allowing
6 another unlicensed person to use a license.

7 (h) Committing any fraudulent, dishonest, or corrupt act that is
8 substantially related to the qualifications, functions, or duties of a licensee.

9

10 (o) Committing any act that would be grounds for denial of a license
11 under Section 480.

12

13 7. Section 2570.3, subdivision (a) of the Code states:

14 (a) No person shall practice occupational therapy or hold himself or
15 herself out as an occupational therapist or as being able to practice occupational
16 therapy, or to render occupational therapy services in this state unless he or she is
17 licensed as an occupational therapist under the provisions of this chapter. . . .

18 REGULATORY PROVISIONS

19 8. California Code of Regulations, title 16, section 4120, subdivision (a)(3)
20 states:

21 The renewal application shall include a statement specifying whether the
22 licensee or certificate holder was convicted of a crime or disciplined by another
23 public agency during the preceding renewal period, whether the continuing
24 competency requirements have been met if renewing in an active status, and that
25 the licensee's or certificate holder's representations on the renewal form are true,
26 correct, and contain no material omissions of fact, signed under penalty of perjury.

27 9. California Code of Regulations, title 16, section 4170, subdivision (d)(1)
28 states: "Occupational therapy practitioners shall hold the appropriate credentials for the services
they provide."

29 FIRST CAUSE FOR DISCIPLINE

30 (Conviction of a Substantially-Related Crime)

31 10. Respondent is subject to disciplinary action under Code section 2570.28,
32 subdivision (e) for conviction of a crime that is substantially related to the qualifications,

1 functions, and duties of a licensee. On April 28, 2006, Respondent pled nolo contendere to the
2 misdemeanor charge of violating Penal Code section 415 [disturbing the peace], and was
3 convicted of this charge in *People of the State of California v. Rinea Lyn Lucia* (Super. Ct. San
4 Bernardino County, 2006, No. MMB011229).

5 11. The circumstances of the underlying arrest are that on or about
6 December 13, 2005, Respondent entered the Bank of America in Yucca Valley, California
7 (Bank), in order to cash a check. When asked to comply with the Bank's fingerprint policy for
8 non-customers seeking to cash a check, Respondent refused to provide the required fingerprint.
9 When Respondent began to cause a scene and was asked to leave by Bank personnel, Respondent
10 refused to leave. Respondent was then arrested by Officer T. Niles of the San Bernardino County
11 Sheriff's Department.

12 SECOND CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct)

14 12. Respondent is subject to disciplinary action under Code section 2570.28,
15 subdivision (a) for engaging in unprofessional conduct. Respondent's actions of December 13,
16 2005, which are set forth above in paragraph 11, constituted unprofessional conduct, subjecting
17 her license to discipline.

18 13. Respondent also engaged in unprofessional conduct when she failed to
19 respond to numerous requests by the Board for information related to her December 13, 2005
20 arrest. Specifically, the Board sent letters requesting this information on the following dates:
21 December 23, 2005, February 6, 2006, and February 9, 2007. Respondent's repeated failure to
22 cooperate with the Board's investigation constituted unprofessional conduct, subjecting her
23 license to discipline.

24 THIRD CAUSE FOR DISCIPLINE

25 (Making a False Statement in Connection with License Renewal)

26 14. Respondent is subject to disciplinary action under Code section 2570.28,
27 subdivision (d), and California Code of Regulations, title 16, section 4120, subdivision (a)(3), for
28 making a false statement in connection with her December 2006 license renewal. When

1 Respondent signed and dated her License Renewal Application on December 16, 2006,
2 Respondent checked the "No" box in response to the question, "Since you last renewed your
3 license, have you . . . been convicted of or pled nolo contendere to any violation of any
4 law. . . ?" However, in truth and fact, this statement was false because on April 28, 2006,
5 Respondent pled nolo contendere to, and was convicted of, disturbing the peace, as set forth
6 above in paragraphs 10-11.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Committing a Substantially-Related Dishonest Act)**

9 15. Respondent is subject to disciplinary action under Code 2570.28,
10 subsection (h), for committing a dishonest act that is substantially related to the qualifications,
11 functions, and duties of an occupational therapist, as set forth above in paragraph 14.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Committing Acts that Would Be Grounds for Denial of a License)**

14 16. Respondent is subject to disciplinary action under Code sections 480 and
15 2570.28, subdivision (o), for committing acts that would be grounds for denial of a license,
16 specifically, for: (1) being convicted of a crime that is substantially related to the qualifications,
17 functions, and duties of an occupational therapist, as set forth above in paragraphs 10-11; and
18 (2) for committing a dishonest act with the intent to benefit herself when she failed to disclose
19 her 2006 conviction, as set forth above in paragraph 14.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Practicing Occupational Therapy Without the Appropriate Credential)**


22 17. Respondent is subject to disciplinary action under Code sections 2570.28,
23 subdivision (g), and 2570.3; and California Code of Regulations, title 16, section 4170,
24 subdivision (d), for practicing occupational therapy without the appropriate credential as a result
25 of allowing her license to lapse. Respondent's license expired on December 31, 2006. Although
26 it was not renewed until February 14, 2007, Respondent continued to practice as an occupational
27 therapist between January 1, 2007, and February 13, 2007.

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PRAYER

3. Taking such other and further action as is deemed necessary and proper.


HEATHER MARTIN
Executive Officer
Board of Occupational Therapy
State of California
Complainant